

### Remarks

As amended, claim 1 now recites an exercise apparatus comprising, *inter alia*, an arch-shaped bench for supporting a person in a prone or supine position, with the bench being mounted on a base for supporting the bench on a ground surface.

The amendment of the reference to the bench being "mounted on" the base rather than "having" a base was to clarify the position of the leverage bar. It will be readily appreciated that if the bench has a base and the leverage bar is positioned below the bench then the leverage bar could be construed as being below the base. This does not make any sense if the base is on the ground surface. Instead, the leverage bar is below the bench and not the base and thus for the sake of clarity the description of the bench has been amended such that is described as being mounted on the base.

Regarding the references applied by the Examiner to reject the claims as originally submitted, claim 1 now recites an arch-shaped bench for supporting a person in a prone or supine position. Both prone and supine positions are shown in the drawings of the exercise apparatus in use. See Figures 2 and 3 for use in the supine position and Figures 4 and 5 for use in the prone position.

The bench of Parviainen is not arch-shaped but merely includes a lumbar support, which lumbar support is convex. Reference to the text of Parviainen describes the convex surface functioning as part of a wedging assembly for the pelvis. At column 2, lines 29 to 41, the use of the convex member to secure and press the pelvis is discussed.

In addition, both McQuinn and Parviainen describe exercise apparatus for use with a user in a sitting position. This contrasts with the apparatus of claim 1 where the arch-shaped bench is provided to support the user in either a prone or a supine position. Parviainen incorporates a specific seat and knee rest to ensure the user is in a sitting position. McQuinn also places the user in a sitting position from which the user lies back to a supine position. The apparatus of McQuinn precludes a user from utilizing the apparatus from a prone position.

The Examiner has stated that McQuinn "discloses all the limitations of the claimed invention except for an arch-shaped bench". This is not correct in several additional respects. Claim 1 recites "gripping handles mounted on the first end of the

leverage bar between the first end of the bench and the weight bar, the arrangement and construction being such that a person lying on the bench in a prone position can perform stomach and lower back exercises by gripping the gripping handles and curling their trunk against resistance provided by the leverage bar". Firstly, a user of McQuinn could not use the apparatus in a prone position. The sitting position shown in Figure 1 is not physically possible in a prone position by a person with normal anatomy. Secondly, the examiner states that there is a leverage bar 10 in McQuinn. There are no gripping handles on the bar 10 in McQuinn as recited in claim 1. Claim 1 recites "gripping handles mounted on the first end of the leverage bar", this is not present in McQuinn or Parviainen.

In short, neither McQuinn nor Parviainen disclose an apparatus which has "gripping handles mounted on the first end of the leverage bar between the first end of the bench and the weight bar". Furthermore, neither McQuinn nor Parviainen disclose "the arrangement and construction being such that a person lying on the bench in a prone position can perform stomach and lower back exercises by gripping the gripping handles and curling their trunk against resistance provided by the leverage bar". This is physically impossible on the apparatus of either McQuinn or Parviainen.

The Examiner rejects claims 1 to 3 as being obvious over Zimmer in view of Blount and Ma. Each of the apparatus disclosed in these references relate to bench presses that are used to strengthen the arms and chest of the user, and in respect of Ma and perhaps Zimmer also operate to strengthen the legs of the user. The apparatus of the present invention provides for the user to "perform stomach and lower back exercises". None of the documents in Zimmer, Blount or Ma provide for the exercise to either the stomach or the lower back, particularly in a prone position. The Examiner asserts that Blount describes an arch-shaped bench. In fact, the bench is described as including arcuate sections and is of far more complex shape and includes merely a scalloped bench for receiving the back of the user and supporting the user against excessive arching of the back. This is in distinct contrast to the apparatus of claim 1 allows the user to bend around the arch-shaped bench for the purpose of strengthening his or her stomach and lower back muscles. In Blount, the arms and chest are being strengthened which requires holding the back in an essentially straight configuration.

The disclosures of Zimmer, Blount or Ma are all limited to bench press exercises and none describe or suggest an arch-shaped bench. The benches are either described as flat or shaped to fit the contours of the user. Further, the apparatus of

Zimmer, Blount or Ma are generally configured for a user in a supine position rather than in both a prone and supine position as set forth in claim 1.

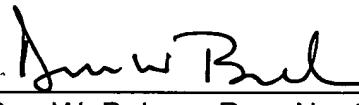
For at least the foregoing reasons, the rejections of the claims should be withdrawn.

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By

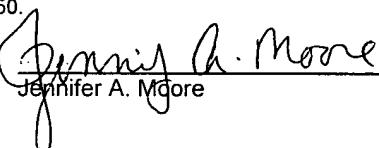
  
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